

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JAMAAL A. MC NEIL,

Defendant.

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ORDER

This matter is before the court on the motion by the government to continue trial of the above captioned matter (Filing No. 45). Defendant, Jamaal A. McNeil (McNeil) seeks to continue the trial of this matter scheduled for February 26, 2007, in order to obtain a more thorough review of the government's expert report regarding a mental evaluation of McNeil. McNeil requests the trial be continued to on or after March 26, 2007. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. McNeil's motion to continue trial (Filing No. 45) is granted.
2. Trial of this matter is re-scheduled for **April 2, 2007**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 16, 2007 and April 2, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 16th day of February, 2007.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge